

1 A bill to be entitled
 2 An act relating to school safety; amending s. 790.115,
 3 F.S.; providing an exception to a prohibition on
 4 possession of firearms or other specified devices on
 5 school property or other specified areas for
 6 authorized concealed weapon or firearm licensees as
 7 designated by school principals or district
 8 superintendents; revising the applicability of a
 9 definition; amending s. 1006.12, F.S.; permitting
 10 district school boards to commission one or more
 11 school safety officers on each school campus; amending
 12 ss. 435.04, 790.251, 921.0022, and 1012.315, F.S.;
 13 conforming cross-references; providing an effective
 14 date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 790.115, Florida Statutes, is amended
 19 to read:

20 790.115 Possessing or discharging weapons or firearms at a
 21 school-sponsored event or on school property prohibited;
 22 penalties; exceptions.—

23 (1) Except as provided in subsection (3), for purposes of
 24 this section, "school" means any preschool, elementary school,
 25 middle school, junior high school, secondary school, career
 26 center, or postsecondary school, whether public or nonpublic.

27 (2)~~(1)~~ A person who exhibits any sword, sword cane,
 28 firearm, electric weapon or device, destructive device, or other

29 | weapon as defined in s. 790.001(13), including a razor blade,
30 | box cutter, or common pocketknife, except as authorized in
31 | support of school-sanctioned activities, in the presence of one
32 | or more persons in a rude, careless, angry, or threatening
33 | manner and not in lawful self-defense, at a school-sponsored
34 | event or on the grounds or facilities of any school, school bus,
35 | or school bus stop, or within 1,000 feet of the real property
36 | that comprises a public or private elementary school, middle
37 | school, or secondary school, during school hours or during the
38 | time of a sanctioned school activity, commits a felony of the
39 | third degree, punishable as provided in s. 775.082, s. 775.083,
40 | or s. 775.084. This subsection does not apply to the exhibition
41 | of a firearm or weapon on private real property within 1,000
42 | feet of a school by the owner of such property or by a person
43 | whose presence on such property has been authorized, licensed,
44 | or invited by the owner.

45 | (3) This section does not apply to a member of a school
46 | district's personnel who has been designated by the school
47 | principal or, for an administration building, by the district
48 | school superintendent, as authorized to carry a concealed weapon
49 | or firearm on school district property.

50 | (a) A designee authorized to carry a concealed weapon or
51 | firearm on such school district property under this subsection
52 | may only carry such weapon or firearm in a concealed manner. The
53 | weapon or firearm must be carried on the designee's person at
54 | all times while the designee is performing his or her official
55 | school duties. Additionally, the designee must submit to the
56 | authorizing principal or authorizing superintendent proof of

57 | completion of training or experience as described in ss.
 58 | 493.6113(3)(b) and 493.6303(4).

59 | (b) Each school principal or, for an administration
 60 | building, the superintendent, may designate one or more such
 61 | designees pursuant to this subsection.

62 | (c) For purposes of this subsection, "school" means any
 63 | elementary school, middle school, junior high school, or
 64 | secondary school, whether public or nonpublic.

65 | (4)~~(2)~~(a) A person shall not possess any firearm, electric
 66 | weapon or device, destructive device, or other weapon as defined
 67 | in s. 790.001(13), including a razor blade or box cutter, except
 68 | as authorized in support of school-sanctioned activities, at a
 69 | school-sponsored event or on the property of any school, school
 70 | bus, or school bus stop; however, a person may carry a firearm:

71 | 1. In a case to a firearms program, class or function
 72 | which has been approved in advance by the principal or chief
 73 | administrative officer of the school as a program or class to
 74 | which firearms could be carried;

75 | 2. In a case to a career center having a firearms training
 76 | range; or

77 | 3. In a vehicle pursuant to s. 790.25(5); except that
 78 | school districts may adopt written and published policies that
 79 | waive the exception in this subparagraph for purposes of student
 80 | and campus parking privileges.

81 |
 82 | ~~For the purposes of this section, "school" means any preschool,~~
 83 | ~~elementary school, middle school, junior high school, secondary~~
 84 | ~~school, career center, or postsecondary school, whether public~~

85 ~~or nonpublic.~~

86 (b) A person who willfully and knowingly possesses any
87 electric weapon or device, destructive device, or other weapon
88 as defined in s. 790.001(13), including a razor blade or box
89 cutter, except as authorized in support of school-sanctioned
90 activities, in violation of this subsection commits a felony of
91 the third degree, punishable as provided in s. 775.082, s.
92 775.083, or s. 775.084.

93 (c)1. A person who willfully and knowingly possesses any
94 firearm in violation of this subsection commits a felony of the
95 third degree, punishable as provided in s. 775.082, s. 775.083,
96 or s. 775.084.

97 2. A person who stores or leaves a loaded firearm within
98 the reach or easy access of a minor who obtains the firearm and
99 commits a violation of subparagraph 1. commits a misdemeanor of
100 the second degree, punishable as provided in s. 775.082 or s.
101 775.083; except that this does not apply if the firearm was
102 stored or left in a securely locked box or container or in a
103 location which a reasonable person would have believed to be
104 secure, or was securely locked with a firearm-mounted push-
105 button combination lock or a trigger lock; if the minor obtains
106 the firearm as a result of an unlawful entry by any person; or
107 to members of the Armed Forces, National Guard, or State
108 Militia, or to police or other law enforcement officers, with
109 respect to firearm possession by a minor which occurs during or
110 incidental to the performance of their official duties.

111 (d) A person who discharges any weapon or firearm while in
112 violation of paragraph (a), unless discharged for lawful defense

113 of himself or herself or another or for a lawful purpose,
114 commits a felony of the second degree, punishable as provided in
115 s. 775.082, s. 775.083, or s. 775.084.

116 (e) The penalties of this subsection shall not apply to
117 persons licensed under s. 790.06. Persons licensed under s.
118 790.06 shall be punished as provided in s. 790.06(12), except
119 that a licenseholder who unlawfully discharges a weapon or
120 firearm on school property as prohibited by this subsection
121 commits a felony of the second degree, punishable as provided in
122 s. 775.082, s. 775.083, or s. 775.084.

123 ~~(5)~~⁽³⁾ This section does not apply to any law enforcement
124 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
125 (8), (9), or (14).

126 ~~(6)~~⁽⁴⁾ Notwithstanding s. 985.24, s. 985.245, or s.
127 985.25(1), any minor under 18 years of age who is charged under
128 this section with possessing or discharging a firearm on school
129 property shall be detained in secure detention, unless the state
130 attorney authorizes the release of the minor, and shall be given
131 a probable cause hearing within 24 hours after being taken into
132 custody. At the hearing, the court may order that the minor
133 continue to be held in secure detention for a period of 21 days,
134 during which time the minor shall receive medical, psychiatric,
135 psychological, or substance abuse examinations pursuant to s.
136 985.18, and a written report shall be completed.

137 Section 2. Paragraph (b) of subsection (2) of section
138 1006.12, Florida Statutes, is amended to read:

139 1006.12 School resource officers and school safety
140 officers.—

141 (2)

142 (b) A district school board may commission one or more
143 school safety officers for the protection and safety of school
144 personnel, property, and students on each school campus within
145 the school district. The district school superintendent may
146 recommend and the district school board may appoint the ~~one or~~
147 ~~more~~ school safety officers.

148 Section 3. Paragraphs (p) and (q) of subsection (2) of
149 section 435.04, Florida Statutes, are amended to read:

150 435.04 Level 2 screening standards.—

151 (2) The security background investigations under this
152 section must ensure that no persons subject to the provisions of
153 this section have been arrested for and are awaiting final
154 disposition of, have been found guilty of, regardless of
155 adjudication, or entered a plea of nolo contendere or guilty to,
156 or have been adjudicated delinquent and the record has not been
157 sealed or expunged for, any offense prohibited under any of the
158 following provisions of state law or similar law of another
159 jurisdiction:

160 (p) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting
161 firearms or weapons within 1,000 feet of a school.

162 (q) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to
163 possessing an electric weapon or device, destructive device, or
164 other weapon on school property.

165 Section 4. Paragraph (a) of subsection (7) of section
166 790.251, Florida Statutes, is amended to read:

167 790.251 Protection of the right to keep and bear arms in
168 motor vehicles for self-defense and other lawful purposes;

169 prohibited acts; duty of public and private employers; immunity
 170 from liability; enforcement.—

171 (7) EXCEPTIONS.—The prohibitions in subsection (4) do not
 172 apply to:

173 (a) Any school property as defined in s. 790.115(1) and
 174 regulated under that section ~~s. 790.115.~~

175 Section 5. Paragraphs (d) and (f) of subsection (3) of
 176 section 921.0022, Florida Statutes, are amended to read:

177 921.0022 Criminal Punishment Code; offense severity
 178 ranking chart.—

179 (3) OFFENSE SEVERITY RANKING CHART

180 (d) LEVEL 4

181

Florida Statute	Felony Degree	Description
316.1935(3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.

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185	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
186	517.07(1)	3rd	Failure to register securities.
187	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
188	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
189	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
190	784.075	3rd	Battery on detention or commitment facility staff.
191	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
192	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
193	784.081(3)	3rd	Battery on specified official

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or employee.

194

784.082 (3) 3rd Battery by detained person on
visitor or other detainee.

195

784.083 (3) 3rd Battery on code inspector.

196

784.085 3rd Battery of child by throwing,
tossing, projecting, or
expelling certain fluids or
materials.

197

787.03 (1) 3rd Interference with custody;
wrongly takes minor from
appointed guardian.

198

787.04 (2) 3rd Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

199

787.04 (3) 3rd Carrying child beyond state
lines with criminal intent to
avoid producing child at
custody hearing or delivering
to designated person.

200

787.07 3rd Human smuggling.

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201	<u>790.115(2)</u>	3rd	Exhibiting firearm or weapon
	790.115(1)		within 1,000 feet of a school.
202	<u>790.115(4)(b)</u>	3rd	Possessing electric weapon or
	790.115(2)(b)		device, destructive device, or
			other weapon on school
			property.
203	<u>790.115(4)(c)</u>	3rd	Possessing firearm on school
	790.115(2)(c)		property.
204	800.04(7)(c)	3rd	Lewd or lascivious exhibition;
			offender less than 18 years.
205	810.02(4)(a)	3rd	Burglary, or attempted
			burglary, of an unoccupied
			structure; unarmed; no assault
			or battery.
206	810.02(4)(b)	3rd	Burglary, or attempted
			burglary, of an unoccupied
			conveyance; unarmed; no assault
			or battery.
207	810.06	3rd	Burglary; possession of tools.
208	810.08(2)(c)	3rd	Trespass on property, armed

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with firearm or dangerous
weapon.

209

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000
or more but less than \$20,000.

210

812.014 3rd Grand theft, 3rd degree, a
(2)(c)4.-10. will, firearm, motor vehicle,
livestock, etc.

211

812.0195(2) 3rd Dealing in stolen property by
use of the Internet; property
stolen \$300 or more.

212

817.563(1) 3rd Sell or deliver substance other
than controlled substance
agreed upon, excluding s.
893.03(5) drugs.

213

817.568(2)(a) 3rd Fraudulent use of personal
identification information.

214

817.625(2)(a) 3rd Fraudulent use of scanning
device or reencoder.

215

828.125(1) 2nd Kill, maim, or cause great
bodily harm or permanent
breeding disability to any

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registered horse or cattle.

216

837.02 (1) 3rd Perjury in official
proceedings.

217

837.021 (1) 3rd Make contradictory statements
in official proceedings.

218

838.022 3rd Official misconduct.

219

839.13 (2) (a) 3rd Falsifying records of an
individual in the care and
custody of a state agency.

220

839.13 (2) (c) 3rd Falsifying records of the
Department of Children and
Family Services.

221

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

222

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

223

843.15 (1) (a) 3rd Failure to appear while on bail

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for felony (bond estreature or
bond jumping).

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847.0135 (5) (c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.

225

874.05 (1) 3rd Encouraging or recruiting
another to join a criminal
gang.

226

893.13 (2) (a) 1. 2nd Purchase of cocaine (or other
s. 893.03 (1) (a), (b), or (d),
(2) (a), (2) (b), or (2) (c) 4.
drugs).

227

914.14 (2) 3rd Witnesses accepting bribes.

228

914.22 (1) 3rd Force, threaten, etc., witness,
victim, or informant.

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914.23 (2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

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918.12 3rd Tampering with jurors.

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934.215 3rd Use of two-way communications

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device to facilitate commission
of a crime.

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(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Knowing forgery of pedigree papers.
499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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242	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
243	784.041	3rd	Felony battery; domestic battery by strangulation.
244	784.048 (3)	3rd	Aggravated stalking; credible threat.
245	784.048 (5)	3rd	Aggravated stalking of person under 16.
246	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
247	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
248	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
249	784.081 (2)	2nd	Aggravated assault on specified official or employee.
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.

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250	784.083 (2)	2nd	Aggravated assault on code inspector.
251	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
252	<u>790.115 (4) (d)</u> 790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
253	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
254	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
255	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
256	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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257	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
258	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
259	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
260	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
261	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
262	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
263	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
264			

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265	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
266	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
267	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
268	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
269	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
270	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
271	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
272	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.

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273	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
274	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
275	827.03 (2) (c)	3rd	Abuse of a child.
276	827.03 (2) (d)	3rd	Neglect of a child.
277	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
278	836.05	2nd	Threats; extortion.
279	836.10	2nd	Written threats to kill or do bodily injury.
280	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

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281	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
282	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
283	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
284	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
285	944.40	2nd	Escapes.
286	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
287	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

288

951.22 (1) 3rd Intoxicating drug, firearm, or
 weapon introduced into county
 facility.

289

290 Section 6. Paragraphs (n) and (o) of subsection (1) of
 291 section 1012.315, Florida Statutes, are amended to read:

292 1012.315 Disqualification from employment.—A person is
 293 ineligible for educator certification, and instructional
 294 personnel and school administrators, as defined in s. 1012.01,
 295 are ineligible for employment in any position that requires
 296 direct contact with students in a district school system,
 297 charter school, or private school that accepts scholarship
 298 students under s. 1002.39 or s. 1002.395, if the person,
 299 instructional personnel, or school administrator has been
 300 convicted of:

301 (1) Any felony offense prohibited under any of the
 302 following statutes:

303 (n) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting
 304 firearms or weapons at a school-sponsored event, on school
 305 property, or within 1,000 feet of a school.

306 (o) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to
 307 possessing an electric weapon or device, destructive device, or
 308 other weapon at a school-sponsored event or on school property.

309 Section 7. This act shall take effect July 1, 2013.